

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GRAHAM LESLIE FOSTER,	:	CIVIL ACTION
PATRICIA BERNADETTE FOSTER,	:	
BARRIE WAYNE PRICE and	:	
WILLIAM RODNEY CASSELLS,	:	
AS TRUSTEES OF THE GL AND PB	:	
FOSTER AND FAMILY TRUST	:	
	:	
	:	
v.	:	
	:	
WILLIAM ARTHUR RUCKDESCHEL,	:	
AYAKO CARMEN RUCKDESCHEL	:	
f/k/a AYAKO C. GIMENO,	:	
W&A RUCKDESCHEL LIMITED,	:	
FREEDOM CREDIT UNION,	:	
ROBERT E. RUCKDESCHEL,	:	
JOSHUA J. RUCKDESCHEL,	:	
MARIAH N. RUCKDESCHEL,	:	
WACHOVIA BANK, N.A.,	:	
BANK OF AMERICA, N.A.	:	NO. 08-cv-01066-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

June 24, 2008

According to plaintiffs' complaint, the defendants agreed to sell them a piece of real estate in New Zealand, for a large sum of money. Allegedly, the defendants then absconded with the down payment (approximately \$300,000), and plaintiffs learned that the property in question was encumbered by a mortgage greatly in excess of its value - a mortgage which was about to be foreclosed. Plaintiffs were able to trace the funds obtained by defendants; the funds have been deposited in various United States bank accounts. Plaintiffs brought this action, and have obtained a preliminary injunction which precludes the banks

from disbursing the funds, and requires full disclosure by the banks of all accounts held by the defendants.

When this action was begun, plaintiffs were not fully aware of the defendants' whereabouts. It has since been established that the defendants now reside in Florida.

Acting *pro se*, the defendants now seek transfer of this action to Florida. Plaintiffs object to the proposed transfer, contending that their choice of forum should be honored, and that, in any event, no useful purpose would be served by the transfer, since no further action will occur in this court until final determination of other litigation which either is pending or contemplated (apparently, in New Zealand or Hong Kong).

On the present state of the record, I find it impossible to determine whether the transfer motion should be regarded as moot - in the sense that this action is virtually over, and no useful purpose would be served by the requested transfer. The parties will be invited to provide further information on these subjects.

An Order follows.

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ORDER

AND NOW, this 24<sup>th</sup> day of June 2008, upon consideration of defendants' motion to transfer this action to the United States District Court for the Southern District of Florida, and plaintiffs' response, IT IS ORDERED:

That the parties may, within 30 days, supplement the record by providing this Court with information concerning (a) what other litigation, if any, is pending or contemplated in other courts to resolve the underlying merits of the parties' issues, and (b) what further action, if any, may need to occur in the present case in this Court.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.